

DEA Rescheduling of Hydrocodone Combination Products Impact on Kentucky Prescribers

Effective October 6, 2014 hydrocodone combination drugs are Schedule II controlled substances. KRS 218A.020 (3) reproduced below, provides that prescribing rules and regulations in effect for Kentucky prescribers on March 19, 2013 will remain in effect for the rescheduled hydrocodone products. The impact on Kentucky prescribers is described below. Restrictions on prescribing existing Schedule II pure hydrocodone products remain under current Kentucky statutes and regulations because these products were not **rescheduled** to Schedule II.

KRS 218A.020 (3) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the Cabinet for Health and Family Services, the Cabinet for Health and Family Services may similarly control the substance under this chapter by regulation. If hydrocodone or any drug containing hydrocodone is rescheduled to Schedule II in this manner, the prescriptive authority existing on March 19, 2013, of any practitioner licensed under the laws of the Commonwealth to prescribe, dispense, or administer hydrocodone or drugs containing hydrocodone shall remain inviolate and shall continue to exist to the same extent as if those drugs had remained classified as Schedule III controlled substances.

Prescriptions/Refills Written Prior to the Rescheduling Effective Date

According to DEA, hydrocodone combination prescriptions issued prior to October 6, 2014 and authorized to be filled or for refilling, may be dispensed if such dispensing occurs before April 8, 2015. Hydrocodone combination prescriptions written on or after October 6, 2014 may not be refilled.

Advanced Practice Registered Nurses

KRS 314.011 Section 8 (a) limits APRN prescribing of Schedule II controlled substances to a 72 hour supply with no refills, except certified psychiatric-mental health nurses are permitted to prescribe up to a 30 day supply of a Schedule II psychostimulant with no refills. KRS 314.011 Section 8 (b) limits APRN prescribing of Schedule III controlled substances to a 30 day supply with no refills. Because KRS 314.011 Section 8 (b) was in effect March 19, 2013 all APRNs will continue to be permitted to prescribe a 30 day supply of Schedule II hydrocodone combination products if allowed under their DEA license.

Dentists

The rescheduling will have no effect on the ability of Kentucky dentists to prescribe Schedule II hydrocodone combinations if allowed under their DEA license.

Optometrists

201 KAR 5:130 prohibits optometrists from prescribing Schedule II controlled substances. KRS 320.240 allows optometrists to prescribe up to a 72 hour supply of Schedule III controlled substances. Because KRS 320.240 was in effect March 19, 2013, optometrists will still have prescriptive authority to prescribe up to a 72 hour supply of Schedule II hydrocodone combination products if allowed under their DEA license.

Physicians

The rescheduling will have no effect on the ability of Kentucky physicians to prescribe Schedule II hydrocodone combinations if allowed under their DEA license.

Podiatrists

The rescheduling will have no effect on the ability of Kentucky podiatrists to prescribe Schedule II hydrocodone combinations if allowed under their DEA license.

DEA License and Schedule II Controlled Substance Reminders

Practitioners whose DEA license does not include Schedule II drugs will not be able to prescribe hydrocodone or hydrocodone combination products without updating their DEA license. Registrants may update their DEA license information at the DEA Diversion web site: <http://www.deadiversion.usdoj.gov/>.

There are no changes to the rules regarding Schedule II controlled substance prescriptions issued in Kentucky.

- Schedule II controlled substance prescriptions may not be faxed or called in to a pharmacy except as provided for in 902 KAR 55:095. Schedule II controlled substance prescriptions that are electronically prescribed must use a system that has been audited for compliance with the regulations specified in 21 CFR Part 1311.
- No refills are allowed by any practitioner for Schedule II controlled substances.
- Schedule II controlled substance prescriptions are valid for 60 days from the date written.
- Controlled substance prescriptions must be signed and dated on the date issued by the prescriber.